

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**CHINONYEREM OSUAGWU,**

**Plaintiff,**

**v.**

**11-cv-0001 MV/SMV**

**GILA REG'L MED. CTR.;  
JEAN REMILLARD, M.D.;  
GREGORY KOURY, M.D.;  
MICHAEL SARGENT, M.D.;  
MARK DONNELL, M.D.;  
RONALD DEHYLE, M.D.; and  
DON WHITE, M.D.,**

**Defendants.**

**ORDER GRANTING IN PART AND DENYING IN PART THIRD PARTY  
LOVELACE HEALTH SYSTEM, INC.'S MOTION FOR PROTECTIVE ORDER**

THIS MATTER is before the Court pursuant to third party Lovelace Health System, Inc.'s ("Lovelace") Motion for Protective Order [Doc. 250], filed on August 5, 2013.<sup>1</sup> Plaintiff filed a Response [Doc. 273] on August 22, 2013. Lovelace filed a Reply [Doc. 298] on September 9, 2013. A hearing on the motion was held September 12, 2013. The Court, being fully advised in the premises, finds that Lovelace's Motion for Protective Order is well-taken in part and not well-taken in part.

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<sup>1</sup> Per stipulation of the parties, the Court entered a Confidentiality Order [Doc. 273] on August 14, 2013. However, the parties indicated that a dispute still remained over certain documents.

Initially, Plaintiff stated that he was seeking production of three sets of documents, identified as:

1. Peer Review Evaluations (documents Bates stamped LHP33\_RP000000035 through LHP33\_RP000000041);
2. Query Response and Adverse Action Report (documents Bates stamped LHP33\_000000074 through LHP33\_000000078); and
3. Hospital Affiliations Form with peer review evaluation information (documents Bates stamped LHP33\_000000079 through LHP33\_000000080).

Plaintiff's Response [Doc. 273] at 1. At the hearing, however, Plaintiff indicated that he was no longer seeking the Query Response and Adverse Action Report. For the reasons stated on the record at the September 12, 2013 hearing, the Court will grant the Motion for Protective Order with respect to the Peer Review Evaluations and will deny the Motion with respect to the Hospital Affiliations Form with peer review evaluation information.

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Lovelace's Motion for Protective Order [Doc. 250] is **GRANTED IN PART** and **DENIED IN PART**. Lovelace shall produce the Hospital Affiliations Form to all parties no later than **Friday, September 13, 2013, at 5:00 p.m.**

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
United States Magistrate Judge